



February 11, 2005

SENATE BILL No. 139

DIGEST OF SB 139 (Updated February 10, 2005 11:13 am - DI 87)

Citations Affected: IC 25-1; IC 25-4; IC 25-6.1; IC 25-7; IC 25-8; IC 25-9; IC 25-15; IC 25-20.2; IC 25-21.5; IC 25-23.7; IC 25-28.5; IC 25-30; IC 25-31; IC 25-34.1; noncode.

Synopsis: Professional licensing agency. Establishes a process for renewing a license or certificate. Provides that a board may request the attorney general's office to investigate a prohibited act committed by an applicant. Provides that the professional licensing agency may stagger license or certificate renewal cycles. Provides that certain boards and commissions must establish licensing, renewal, examination, application, reinstatement, and restoration fees for licenses and certificates. Allows an applicant for registration as a professional engineer who has failed three or more exams to obtain approval from the board to take subsequent exams. Allows the board to issue a registration as a professional engineer to a person who: (1) completes an engineering curriculum and at least three years of work experience; and (2) has been registered or licensed as a professional engineer in another state for at least ten years. Repeals corresponding provisions concerning appeals of denials of license renewals, investigation of certain complaints, and renewal fees for land surveyors.

Effective: July 1, 2005.

Meeks

January 4, 2005, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
February 10, 2005, amended, reported favorably — Do Pass.

SB 139—LS 6514/DI 110+



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February 11, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 139

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-6-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) ~~By enactment of this chapter,~~
3 ~~the general assembly intends that, with the exception of the director,~~
4 ~~the staff of the Indiana professional licensing agency be comprised~~
5 ~~initially from among persons employed by the boards to which this~~
6 ~~chapter applies; and that no increase in the aggregate number of~~
7 ~~persons so employed be allowed by the state personnel department and~~
8 ~~the state budget agency except to comply with the provisions of this~~
9 ~~chapter.~~

10 (b) ~~It is the further intent of the general assembly that The~~
11 ~~centralization of staff, functions, and services contemplated by this~~
12 ~~chapter shall be done in such a way as to enhance the licensing~~
13 ~~agency's ability to:~~

14 (1) make maximum use of data processing as a means of more
15 efficient operation;

16 (2) provide more services and carry out functions of superior
17 quality; and

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(3) ultimately and significantly reduce the number of staff needed to provide these services and carry out these functions.

SECTION 2. IC 25-1-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is established the Indiana professional licensing agency. The licensing agency shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- (11) Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- (12) Private detectives licensing board (IC 25-30-1-5.1).
- (13) State board of registration for land surveyors (IC 25-21.5-2-1).
- (14) Manufactured home installer licensing board (IC 25-23.7).
- (15) Home inspectors licensing board (IC 25-20.2-3-1).

(b) ~~Except for appeals of denials of license renewals to the executive director authorized by section 5.5 of this chapter,~~ Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 3. IC 25-1-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The licensing agency shall employ necessary staff, including specialists and professionals, to carry out the administrative duties and functions of the boards, including but not limited to:

- (1) notice of board meetings and other communication services;
- (2) record keeping of board meetings, proceedings, and actions;
- (3) record keeping of all persons or individuals licensed, regulated, or certified by a board;
- (4) administration of examinations; and
- (5) administration of license or certificate issuance or renewal.

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(b) In addition, the licensing agency:

(1) shall prepare a consolidated statement of the budget requests of all the boards in section 3 of this chapter;

(2) may coordinate licensing or certification renewal cycles, examination schedules, or other routine activities to efficiently utilize licensing agency staff, facilities, and transportation resources, and to improve accessibility of board functions to the public; and

(3) may consolidate, where feasible, office space, record keeping, and data processing services.

~~(4) shall, upon written request, furnish at cost to any person a list of the names and addresses of persons holding a license or permit issued by one (1) of the boards listed in section 3 of this chapter.~~

(c) In administering the renewal of licenses or certificates under this chapter, the licensing agency shall issue a sixty (60) day notice of expiration to all holders of a license or certificate. The notice ~~shall be accompanied by appropriate renewal forms.~~ **must inform the holder of a license or certificate of the requirements to:**

(1) **renew the license or certificate; and**

(2) **pay the renewal fee.**

(d) **If the licensing agency fails to send notice of expiration under subsection (c), the holder of the license or certificate is not subject to a sanction for failure to renew if the holder renews the license or certificate not more than forty-five (45) days after the holder receives the notice from the licensing agency.**

(e) **The licensing agency may require an applicant for a license or certificate renewal to submit evidence showing that the applicant:**

(1) **meets the minimum requirements for licensure or certification; and**

(2) **is not in violation of:**

(A) **the law regulating the applicant's profession; or**

(B) **rules adopted by the board regulating the applicant's profession.**

(f) **The licensing agency may delay renewing a license or certificate for not more than ninety (90) days after the renewal date to permit the board to investigate information received by the licensing agency that the applicant for renewal may have committed an act for which the applicant may be disciplined. If the licensing agency delays renewing a license or certificate, the licensing agency shall notify the applicant that the applicant is being investigated. Except as provided in subsection (g), the board**

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shall do one (1) of the following before the expiration of the ninety (90) day period:

(1) Deny renewal of the license or certificate following a personal appearance by the applicant before the board.

(2) Renew the license or certificate upon satisfaction of all other requirements for renewal.

(3) Renew the license and file a complaint under IC 25-1-7.

(4) Request the office of the attorney general to conduct an investigation under subsection (h) if, following a personal appearance by the applicant before the board, the board has good cause to believe that the applicant engaged in activity described in IC 25-1-11-5.

(5) Upon agreement of the applicant and the board and following a personal appearance by the applicant before the board, renew the license or certificate and place the applicant on probation status under IC 25-1-11-12.

(g) If an applicant fails to appear before the board under subsection (f), the board may take action as provided in subsection (f)(1), (f)(2), or (f)(3).

(h) If the board makes a request under subsection (f)(4), the office of the attorney general shall conduct an investigation. Upon completion of the investigation, the office of the attorney general may file a petition alleging that the applicant has engaged in activity described in IC 25-1-11-5. If the office of the attorney general files a petition, the board shall set the matter for a public hearing. If, after a public hearing, the board finds the applicant violated IC 25-1-11-5, the board may impose sanctions under IC 25-1-11-12. The board may delay renewing a license or certificate beyond ninety (90) days after the renewal date until a final determination is made by the board. The applicant's license or certificate remains valid until the final determination of the board is rendered unless the renewal is:

(1) denied; or

(2) summarily suspended under IC 25-1-11-13.

(i) The license or certificate of the applicant for license renewal remains valid during the ninety (90) day period unless the license or certificate is denied following a personal appearance by the applicant before the board before the end of the ninety (90) day period. If the ninety (90) day period expires without action by the board, the license or certificate shall be automatically renewed at the end of the ninety (90) day period.

(j) Notwithstanding any other law, the licensing agency may

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1 stagger license or certificate renewal cycles.

2 (k) An application for a license or certificate is abandoned
3 without an action by the board if the applicant does not complete
4 the requirements for obtaining the license or certificate not more
5 than one (1) year after the date on which the application was filed.
6 However, the board may, for good cause shown, extend the validity
7 of the application for additional thirty (30) day periods. An
8 application submitted after the abandonment of an application is
9 considered a new application.

10 SECTION 4. IC 25-1-6-5 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The licensing agency shall be
12 administered by an executive director appointed by the governor who
13 shall serve at the will and pleasure of the governor.

14 (b) The executive director must be qualified by experience and
15 training.

16 (c) The term "executive director" or "secretary", or any other
17 statutory term for the administrative officer of a board listed in section
18 3 of this chapter, means the executive director of the licensing agency
19 or ~~his~~ **the executive director's** designee.

20 (d) The executive director is the chief fiscal officer of the licensing
21 agency and is responsible for hiring of all staff and for procurement of
22 all services and supplies in accordance with IC 5-22. The executive
23 director and the employees of the licensing agency are subject to
24 IC 4-15-1.8 but are not under IC 4-15-2. The executive director may
25 appoint no more than three (3) deputy directors, who must be qualified
26 to work for the boards which are served by the licensing agency.

27 (e) The executive director shall execute a bond payable to the state,
28 with surety to consist of a surety or guaranty corporation qualified to do
29 business in Indiana, in an amount fixed by the state board of accounts,
30 conditioned upon the faithful performance of duties and the accounting
31 for all money and property that come into the executive director's hands
32 or under the executive director's control. The executive director may
33 likewise cause any employee of the licensing agency to execute a bond
34 if that employee receives, disburses, or in any way handles funds or
35 property of the licensing agency. The costs of any such bonds shall be
36 paid from funds available to the licensing agency.

37 (f) The executive director may present to the general assembly
38 legislative recommendations regarding operations of the licensing
39 agency and the boards it serves, including adoption of four (4) year
40 license or certificate renewal cycles wherever feasible.

41 (g) **Upon the request of a board or commission, the executive**
42 **director may execute orders, subpoenas, continuances, and other**

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1 legal documents on behalf of the board or commission.

2 (h) Upon the request of a board or commission, the executive
3 director may provide advice and technical assistance on issues that
4 may be presented to the board or commission.

5 SECTION 5. IC 25-1-6-5.5 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) A person who
7 has a license renewal denied by a board listed in section 3 of this
8 chapter may file an appeal of the denial with the executive director of
9 the licensing agency: in accordance with IC 4-21.5-3.

10 (b) IC 4-21.5-3-29 and IC 4-21.5-3-30 govern the executive
11 director's review of an appeal filed under subsection (a):

12 SECTION 6. IC 25-1-8-7 IS ADDED TO THE INDIANA CODE
13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
14 1, 2005]: Sec. 7. (a) As used in this section, "board" includes the
15 entities listed in IC 25-1-6-3.

16 (b) Notwithstanding any other law regarding fees for
17 reinstatement or restoration of a delinquent or lapsed license,
18 certificate, or registration, a delinquent or lapsed license,
19 certificate, or registration that was issued by the board may not be
20 reinstated or restored unless the holder of the license, certificate,
21 or registration pays:

22 (1) the fee established by the board under section 2 of this
23 chapter; and

24 (2) a reinstatement fee established by the Indiana professional
25 licensing agency.

26 (c) A license, certificate, or registration may not be reinstated or
27 restored unless the holder of the license, certificate, or registration
28 completes all other requirements for reinstatement or restoration
29 of the license, certificate, or registration that are:

30 (1) provided for in statute or rule; and

31 (2) not related to fees.

32 (d) This section does not apply to a license, certificate, or
33 registration if one (1) of the following applies:

34 (1) The license, certificate, or registration has been revoked or
35 suspended.

36 (2) A statute specifically does not allow a license, certificate,
37 or registration to be reinstated or restored.

38 SECTION 7. IC 25-1-11-10 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The board may
40 order a practitioner to submit to a reasonable physical or mental
41 examination, at the practitioner's expense, if the practitioner's
42 physical or mental capacity to practice safely and competently is at

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1 issue in a disciplinary proceeding.

2 SECTION 8. IC 25-1-11-18 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. A practitioner who
4 has been subjected to disciplinary sanctions may be required by a board
5 to pay the costs of the proceeding. The practitioner's ability to pay shall
6 be considered when costs are assessed. If the practitioner fails to pay
7 the costs, a suspension may not be imposed solely upon the
8 practitioner's inability to pay the amount assessed. These costs are
9 limited to costs for the following:

- 10 (1) Court reporters.
- 11 (2) Transcripts.
- 12 (3) Certification of documents.
- 13 (4) Photo duplication.
- 14 (5) Witness attendance and mileage fees.
- 15 (6) Postage.
- 16 (7) Expert witnesses.
- 17 (8) Depositions.
- 18 (9) Notarizations.
- 19 **(10) Administrative law judges.**

20 SECTION 9. IC 25-1-11-19 IS ADDED TO THE CODE AS A
21 NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,
22 2005]: Sec. 19. (a) **The board may refuse to issue a license or may**
23 **issue a probationary license to an applicant for licensure if:**

24 **(1) the applicant has:**

- 25 **(A) been disciplined by a licensing entity of another state**
26 **or jurisdiction; or**
- 27 **(B) committed an act that would have subjected the**
28 **applicant to the disciplinary process if the applicant had**
29 **been licensed in Indiana when the act occurred; and**

30 **(2) the violation for which the applicant was or could have**
31 **been disciplined has a bearing on the applicant's ability to**
32 **competently perform or practice the profession in Indiana.**

33 **(b) Whenever the board issues a probationary license, the board**
34 **may require a licensee to do any of the following:**

- 35 **(1) Report regularly to the board upon the matters that are**
36 **the basis of the discipline of the other state or jurisdiction.**
- 37 **(2) Limit practice to the areas prescribed by the board.**
- 38 **(3) Continue or renew professional education requirements.**
- 39 **(4) Engage in community restitution or service without**
40 **compensation for the number of hours specified by the board.**
- 41 **(5) Perform or refrain from performing an act that the board**
42 **considers appropriate to the public interest or to the**

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rehabilitation or treatment of the applicant.

(c) The board shall remove any limitations placed on a probationary license under this section if the board finds after a public hearing that the deficiency that required disciplinary action has been remedied.

SECTION 10. IC 25-1-11-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 20. The board may require an applicant for licensure to appear before the board before issuing a license.**

SECTION 11. IC 25-4-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) ~~Any~~ A person desiring to engage or continue in the practice of architecture ~~in this state~~; shall:

(1) apply to the board for a certificate of registration; ~~authorizing such person so to do~~; and

(2) ~~shall~~ submit evidence to the board that ~~he~~ the person is qualified to engage or continue in the practice of architecture; in compliance with the requirements of this chapter.

(b) The application for a certificate of registration shall be:

(1) made on a form ~~which shall be~~ prescribed and furnished by the board;

(2) ~~shall be~~ verified; and

(3) ~~shall be~~ accompanied by the prescribed fee: **a fee established by the board under IC 25-1-8-2.**

SECTION 12. IC 25-4-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) Every registered architect who continues in active practice shall, biennially, on or before ~~November 2~~, **the date established by the licensing agency under IC 25-1-6-4**, renew the registered architect's certificate of registration and pay the required renewal fee. ~~Every license or certificate of registration that has not been renewed during the month of November in any year expires on December 1 in that year.~~ A registered architect whose certificate of registration has expired may have the certificate restored only upon payment of the required ~~restoration~~ fee **under IC 25-1-8-7.**

(b) Subject to subsection (c), any architect registered or licensed in this state who has failed to renew the architect's certificate of registration for a period of not more than five (5) years may have the certificate renewed at any time within a period of five (5) years after the registration expired upon:

(1) making application to the board for renewal of the

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1 registration; and

2 (2) paying a renewal fee equal to the sum of the renewal fees that
3 the applicant would have paid if the applicant had regularly
4 renewed the applicant's registration during the period that the
5 applicant's registration lapsed; **required under IC 25-1-8-7.**

6 (c) If any registered architect desires to retire from the practice of
7 architecture in Indiana, the architect may submit to the board the
8 architect's verified statement of intention to withdraw from practice.
9 The statement shall be entered upon the records of the board. During
10 the period of the architect's retirement, the architect is not liable for any
11 renewal or restoration fees. If any retired architect desires to return to
12 the practice of architecture in Indiana within a period of five (5) years
13 from the date that the architect files a statement under this subsection,
14 the retired architect must:

15 (1) file with the board a verified statement indicating the
16 architect's desire to return to the practice of architecture; and

17 (2) pay

18 (A) a renewal fee equal to the fee set by the board to renew an
19 unexpired registration under this chapter. if the retired
20 architect's registration is renewed for one (1) year or more in
21 a biennial renewal cycle established under subsection (a); or
22 (B) a renewal fee equal to one-half (1/2) the fee set by the
23 board to renew an unexpired registration under this chapter; if
24 the retired architect's registration is renewed for less than one
25 (1) year in a biennial renewal cycle established under
26 subsection (a);

27 SECTION 13. IC 25-4-1-16 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The fee to be
29 paid by an applicant for an examination to determine ~~his~~ **the**
30 **applicant's** fitness to receive a certificate of registration as a registered
31 architect shall be ~~twenty-five dollars (\$25.00); established by the~~
32 **board under IC 25-1-8-2.**

33 (b) The fee to be paid by an applicant for a certificate of registration
34 as a registered architect shall be ~~twenty-five dollars (\$25.00);~~
35 **established by the board under IC 25-1-8-2.**

36 (c) The fee to be paid for the restoration of an expired certificate of
37 registration as a registered architect shall be ~~one dollar (\$1.00) after the~~
38 ~~certificate has been in default for one (1) month; and an additional one~~
39 ~~dollar (\$1.00) for each succeeding month or fraction thereof of such~~
40 ~~default but not exceeding a maximum restoration fee of ten dollars~~
41 ~~(\$10.00). Such~~ **established under IC 25-1-8-7. The** restoration fee
42 shall be in addition to all unpaid renewal fees.

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(d) The fee to be paid upon renewal of a certificate of registration shall be ~~fifteen dollars (\$15.00)~~ **established by the board under IC 25-1-8-2.**

(e) The fee to be paid by an applicant for a certificate of registration who is an architect registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, shall be ~~twenty-five dollars (\$25.00)~~ **established by the board under IC 25-1-8-2.**

SECTION 14. IC 25-4-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) To qualify for registration as a landscape architect, an applicant must:

(1) submit evidence that the applicant is an individual who is at least eighteen (18) years of age;

(2) submit evidence that the applicant has:

(A) graduated from an accredited curriculum of landscape architecture presented by a college or school approved by the board; or

(B) attained before January 1, 2003, at least eight (8) years of actual practical experience in landscape architectural work of a grade and character satisfactory to the board;

(3) submit evidence that the applicant has paid the examination fee and the ~~license~~ **application** fee set by the board;

(4) provide an affidavit that indicates that the applicant does not have a conviction for:

(A) an act that would constitute a ground for disciplinary action under IC 25-1-11; or

(B) a felony that has a direct bearing on ~~his~~ **the applicant's** ability to practice competently;

(5) pass the examination required by the board under section 4 of this chapter after meeting the requirements in subdivisions (1) through (4); and

(6) submit evidence that the applicant has at least three (3) years of diversified, actual, and practical experience in landscape architectural work of a grade and character satisfactory to the board.

(b) The board shall issue a certificate of registration under this chapter to an applicant who meets the requirements in this section.

SECTION 15. IC 25-6.1-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

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- (1) be at least eighteen (18) years of age;
- (2) have completed at least eighty (80) actual hours of auction instruction from a course provider approved by the commission;
- (3) not have a conviction for:
 - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-11; or
 - (B) a felony that has a direct bearing on the applicant's ability to practice competently.

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

- (1) The value of real estate and of various goods commonly sold at an auction.
- (2) Bid calling.
- (3) Sale preparation, sale advertising, and sale summary.
- (4) Mathematics.
- (5) The provisions of this article and the commission's rules.
- (6) Any other subject matter approved by the commission.

(d) An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on the form prescribed by the commission. When filing an initial application for an auctioneer license, each individual shall

- ~~(1) pay a nonrefundable examination fee of thirty-five dollars (\$35) established by the commission under IC 25-1-8-2. and~~
- ~~(2) pay a surcharge under IC 25-6.1-8 for deposit in the auctioneer recovery fund.~~

(e) When ~~filing an application~~ **applying** for a renewal of an auctioneer license, each individual shall do the following:

- ~~(1) File with the commission a completed application on the form prescribed~~ **Apply in a manner required** by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.

- (2) Pay the license fee prescribed by section 5 of this chapter.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and verify the information contained therein.

(g) An applicant who is seeking an initial license must pass an examination ~~prepared and administered~~ **approved** by the commission **that covers subjects and topics of knowledge required to practice as an auctioneer.** The commission shall hold examinations as the commission may prescribe. ~~The examination for an auctioneer's license~~

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shall include questions on the applicant's:

- (1) ability to read and write;
- (2) knowledge of the value of real estate and of various goods commonly sold at an auction;
- (3) knowledge of calling;
- (4) knowledge of sale preparation, sale advertising, and sale summary;
- (5) knowledge of mathematics; and
- (6) knowledge of the provisions of this article and the commission's rules.

(h) The commission shall issue an auctioneer's license, in such form as it may prescribe, to each individual who meets all of the requirements for licensing and pays the appropriate fees.

(i) Auctioneer licenses shall be issued for a term of four (4) years. A license expires at midnight ~~February 28, 2004~~, **on the date established by the licensing agency under IC 25-1-6-4** and every fourth year thereafter, unless renewed before that date. If the license has expired, it may be reinstated not more than one (1) year after the date it expired upon the payment of the renewal fee plus the ~~sum of twenty-five dollars (\$25)~~ **reinstatement fee established under IC 25-1-8-7** and submission of proof that the applicant has complied with the continuing education requirement. If the license has expired for a period of more than one (1) year, the person must file an application and take the required examination. However, an applicant for ~~restoration~~ **reinstatement** of an expired license is not required to complete the initial eighty (80) hour education requirement under this section in order to ~~restore~~ **reinstate** the expired license. The holder of an expired license shall cease to display the original wall certificate at the holder's place of business and shall return the wall certificate to the commission upon notification by the commission of the expiration of the holder's license.

(j) The commission may waive the requirement that a nonresident applicant pass an examination and that the nonresident submit written statements by two (2) individuals, if the nonresident applicant:

- (1) is licensed to act as an auctioneer in the state of the applicant's domicile;
- (2) submits with the application a duly certified letter of certification issued by the licensing board of the applicant's domiciliary state;
- (3) is a resident of a state whose licensing requirements are substantially equal to the requirements of Indiana;
- (4) is a resident of a state that grants the same privileges to the

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licensees of Indiana; and

(5) includes with the application an irrevocable consent that actions may be commenced against the applicant. The consent shall stipulate that service of process or pleadings on the commission shall be taken and held in all courts as valid and binding as if service of process had been made upon the applicant personally within this state. If any process or pleading mentioned in this subsection is served upon the commission, it shall be by duplicate copies. One (1) of the duplicate copies shall be filed in the office of the commission and one (1) shall be immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or pleadings are directed.

(k) The commission may enter into a reciprocal agreement with another state concerning nonresident applicants.

(l) The commission may, for good cause shown, upon the receipt of an application for a license, issue a temporary permit for such reasonable period of time, not to exceed one (1) year, as the commission deems appropriate. A temporary permit has the same effect as a license and entitles and subjects the permittee to the same rights and obligations as if the individual had obtained a license.

(m) An applicant for a temporary permit must do the following:

(1) File an examination application.

(2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.

(n) An individual who does not pass the examination required under subsection (m) may not be issued a temporary permit.

SECTION 16. IC 25-6.1-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. ~~(a)~~ At the time of obtaining a license under this chapter, the licensee shall pay:

(1) the license fee prescribed by this section established by the commission under IC 25-1-8-2; and

(2) a surcharge under IC 25-6.1-8 for deposit in the auctioneer recovery fund.

~~(b) The fee for the license issued to any person, auction company, or auction house during each licensing period is seventy dollars (\$70):~~

~~(c) The commission may adopt rules that provide for the payment of a proportionate amount of the licensing fee if a license will be issued for less than the full term of the license:~~

SECTION 17. IC 25-6.1-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The commission may charge the fee established under IC 25-1-8-2 as the cost of providing duplicate licenses to replace lost or destroyed licenses.

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(b) The commission may charge ~~five dollars (\$5) as the a fee established under IC 25-1-8-2 for the cost of certified copies of licenses, which may include certified copies of a type and size which can be easily carried on the person of the licensee; verifying a license to another state.~~

SECTION 18. IC 25-6.1-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. A licensee who is initially licensed in the ~~second~~ **fourth** year of a renewal period is exempt from the continuing education requirement under this chapter for that renewal period.

SECTION 19. IC 25-7-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) If the board determines that:

- (1) a person possesses a valid license from another jurisdiction to perform acts that require a license under this article; and
- (2) the jurisdiction issuing the license imposes substantially equivalent requirements on applicants for the license as are imposed on applicants for an Indiana license;

the board may issue a license to perform those acts in Indiana to the person upon payment of the fee ~~required under 816 IAC 1-3-1; established by the board under IC 25-1-8-2.~~

(b) This subsection applies only to applications for a barber license under IC 25-7-10. If the jurisdiction issuing the license does not impose substantially equivalent requirements as required under subsection (a)(2), the board may approve a combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed a minimum of one thousand (1,000) hours of education.

SECTION 20. IC 25-7-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. An expired barber license may be ~~restored~~ **reinstated** by payment of the ~~restoration fee plus all unpaid reinstatement and renewal fees required under IC 25-1-8-2 and IC 25-1-8-7~~ within five (5) years of the expiration date of the license. After five (5) years from the date that a barber license expires under this section, the person whose license has expired may ~~restore~~ **reinstate** the license only by:

- (1) applying for ~~restoration~~ **reinstatement** of the license;
- (2) paying the ~~fee~~ **fees** set forth under IC 25-7-11 **and IC 25-1-8-7**; and
- (3) taking the same examination required under IC 25-7-10 for an applicant for a license to practice as a registered barber.

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SECTION 21. IC 25-7-6-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) If a person does not receive a satisfactory grade on the examination described in section 14(3) of this chapter, the board may deny the petition to ~~restore~~ **reinstate** the license.

(b) The board may ~~restore~~ **reinstate** a license held by a person described in subsection (a) if the person complies with rules adopted by the board to permit further examination of the person for license ~~restoration~~. **reinstatement**.

SECTION 22. IC 25-7-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. The board may not:

(1) renew or ~~restore~~ **reinstate** a work permit; or

(2) grant a person more than one (1) work permit; issued under section 7 of this chapter.

SECTION 23. IC 25-7-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The board shall ~~charge a fee of three hundred dollars (\$300) for an application to issue or renew a barber school license~~. **adopt rules under IC 4-22-2 to establish fees for the application, issuance, and renewal of barber school licenses under IC 25-1-8-2.**

(b) In addition to the fee charged under subsection (a), the board shall charge a fee for ~~restoring~~ **reinstate**ing a barber school license **under IC 25-1-8-7.**

(c) The fee charged under subsection (b) shall be determined by the date that the applicant applies for the restoration of the license as follows:

Number of days following expiration of license	Fee
0-30	\$0
31-180	\$150
181-191	\$200

(d) The fee charged under subsection (b) shall be accompanied by ~~all unpaid renewal fees~~.

(~~e~~) (c) A barber school license may not be ~~restored~~ **reinstate**d if at least one ~~hundred ninety-two (192) days have~~ **(1) year has** passed since the license expired. However, the barber school may obtain a new license by:

(1) making application;

(2) meeting the requirements for licensure; and

(3) paying a fee ~~of four hundred dollars (\$400)~~. **established by the board under IC 25-1-8-2.**

SECTION 24. IC 25-7-11-3 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The board shall
2 charge a fee of forty dollars (\$40) to issue or renew an instructor
3 license.

4 (b) To restore an expired barber instructor license, the board shall
5 charge a fee of seventy-five dollars (\$75) plus all unpaid renewal fees.

6 (c) The board shall charge a fee of fifty dollars (\$50) for providing
7 an examination to an applicant for a barber instructor license. **adopt**
8 **rules under IC 4-22-2 to establish fees related to an instructor's**
9 **license under IC 25-1-8-2.**

10 SECTION 25. IC 25-7-11-4 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall
12 charge a fee of forty dollars (\$40) for issuing or renewing a barber shop
13 license.

14 (b) The board shall charge a fee for restoring a barber shop license
15 that shall be determined by the date that the applicant applies for the
16 restoration of the license as follows:

Number of days following	Fee
expiration of license	
0-30	\$ 10
31-180	\$ 50
181-191	\$100

22 (c) The fee charged under subsection (b) shall be accompanied by
23 all unpaid renewal fees. **adopt rules under IC 4-22-2 to establish fees**
24 **related to barber shop licenses under IC 25-1-8-2.**

25 (d) (b) A barber shop license may not be ~~restored~~ **reinstated** if at
26 least one hundred ninety-two (192) days have (1) year has passed
27 since the license expired. However, the barber shop may obtain a new
28 license by:

- 29 (1) making application;
- 30 (2) meeting the requirements for licensure; and
- 31 (3) paying a fee of one hundred forty dollars (\$140). **the fees**
32 **established under IC 25-1-8-2.**

33 SECTION 26. IC 25-7-11-5 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The board shall
35 charge a fee of at least thirty dollars (\$30) and not more than fifty
36 dollars (\$50) **establish fees under IC 25-1-8-2** for providing an
37 examination to an applicant for a barber license.

38 (b) The board shall ~~charge a fee of forty dollars (\$40)~~ **establish fees**
39 **under IC 25-1-8-2** for issuing or renewing a barber license.

40 (c) The board shall charge a fee for ~~restoring~~ **established under**
41 **IC 25-1-8-7 for reinstating** a barber license. ~~that shall be determined~~
42 ~~by the date that the applicant applies for the restoration of the license~~

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1 as follows:

2	Number of days following	
3	expiration of license	Fee
4	0-30	\$ 10
5	31-181	\$ 50
6	182-5 years	\$ 100

7 ~~(d) The fee charged under subsection (c) shall be accompanied by~~
 8 ~~all unpaid renewal fees.~~

9 SECTION 27. IC 25-7-11-6 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The board shall
 11 ~~charge establish~~ a fee of ~~ten dollars (\$10)~~ **under IC 25-1-8-2** for
 12 issuing a duplicate license.

13 SECTION 28. IC 25-7-12-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The board may under
 15 IC 4-21.5:

16 (1) refuse to issue, renew, or ~~restore~~ **reinstate** a license issued
 17 under this article; or

18 (2) suspend or revoke a license issued under this article;
 19 if the board determines that the applicant or license holder has not
 20 complied with IC 25-1-11.

21 SECTION 29. IC 25-8-4-21 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. Except as provided
 23 in IC 25-8-9-11, the board may, upon application, ~~restore~~ **reinstate** a
 24 license under this chapter that has expired if the person holding the
 25 license:

26 (1) pays ~~any unpaid~~ renewal fees ~~to established by~~ the board
 27 **under IC 25-1-8-2;**

28 (2) pays the license ~~restoration~~ **reinstatement** fee ~~set forth in~~
 29 ~~IC 25-8-13;~~ **established under IC 25-1-8-7;**

30 (3) complies with all requirements imposed by this article on a
 31 applicant for an initial license to perform the acts authorized by
 32 the license being ~~restored~~ **reinstated**, other than receiving a
 33 satisfactory grade (as defined in section 9 of this chapter) on an
 34 examination prescribed by the board; and

35 (4) fulfills the continuing education requirements under
 36 IC 25-8-15.

37 SECTION 30. IC 25-8-4-22 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) Except as
 39 provided in subsection (b), the board may not ~~restore~~ **reinstate** a
 40 license issued under this article if the person holding the license does
 41 not petition for license renewal within three (3) years after the
 42 expiration of the license, unless that person complies with section 23

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of this chapter.

(b) The board may not ~~restore~~; **reinstate**:

- (1) a cosmetology salon license issued under IC 25-8-5;
- (2) an electrology salon license issued under IC 25-8-7.2;
- (3) an esthetician salon license issued under IC 25-8-12.6;
- (4) a manicurist salon license issued under IC 25-8-7.1; or
- (5) a cosmetology school license issued under IC 25-8-7;

unless the license holder submits an application for ~~restoration~~ **reinstatement** of the license within six (6) months after the date the license expired.

SECTION 31. IC 25-8-4-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. The board may ~~restore~~ **reinstate** a license issued under this article held by a person described in section 22(a) of this chapter if the applicant:

- (1) receives a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board;
- (2) pays the examination fee set forth in IC 25-8-13;
- (3) pays the ~~restoration reinstatement~~ fee set forth in ~~IC 25-8-13~~; **established under IC 25-1-8-7**; and
- (4) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being ~~restored~~; **reinstated**.

SECTION 32. IC 25-8-4-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. If a person does not receive a satisfactory grade on the examination described in section 23 of this chapter, the board may not ~~restore~~ **reinstate** that person's license until the person has:

- (1) successfully completed the cosmetology school program required for an applicant for a license issued under this article to perform the acts authorized by the license being ~~restored~~; **reinstated**;
- (2) received a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board;
- (3) paid the examination fee set forth in IC 25-8-13;
- (4) paid the license fee set forth in IC 25-8-13; and
- (5) complied with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being ~~restored~~; **reinstated**.

SECTION 33. IC 25-8-4-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. If a person does not receive a satisfactory grade on the examination described in section 24(2) of this chapter, the board may deny the petition to ~~restore~~

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reinst~~ate~~ the license.

SECTION 34. IC 25-8-4-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. The board may ~~restore~~ **reinst~~ate~~** a license held by a person described in section 25 of this chapter if that person complies with any rules adopted by the board to permit further examination of that person for license ~~restoration~~: **reinstatement**.

SECTION 35. IC 25-8-4-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. If a person holding a license described in section 22(b) of this chapter does not comply with the ~~restoration~~ **reinstatement** application filing requirements set forth in that section, that person may:

(1) file an application for a new license to operate:

- (A) a cosmetology salon;
- (B) an electrology salon;
- (C) an esthetic salon;
- (D) a manicurist salon; or
- (E) a cosmetology school;

under this article; and

(2) pay the ~~restoration~~ **reinstatement** fee set forth in:

- (A) IC 25-8-13-3; or
- (B) IC 25-8-13-5(b).

SECTION 36. IC 25-8-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. The board may not renew or ~~restore~~ **reinst~~ate~~** a license issued under section 7 of this chapter.

SECTION 37. IC 25-8-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The board shall charge a fee ~~of four hundred dollars (\$400)~~ **established by the board under IC 25-1-8-2** for an application to issue or renew a cosmetology school license.

(b) The board shall charge a fee **established under IC 25-1-8-7** for ~~restoring~~ **reinstating** a cosmetology school license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

~~Days Following~~

Expiration of License	Fee
1- 30	\$200
31- 180	300
More than 180	400

SECTION 38. IC 25-8-13-4 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) The board shall charge a fee ~~of forty dollars (\$40)~~ **established by the board under IC 25-1-8-2** for issuing or renewing:

- (1) a cosmetology instructor license;
- (2) an esthetics instructor license; or
- (3) an electrology instructor license.

(b) The board shall charge a fee **established under IC 25-1-8-7** for ~~restoring~~ **reinstating** an instructor license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

~~Days Following~~

Expiration of License	Fee
1- 30	\$ 20
31- 180	30
More than 180	40

SECTION 39. IC 25-8-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The board shall charge a fee ~~of forty dollars (\$40)~~ **established by the board under IC 25-1-8-2** for issuing or renewing:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

(b) The board shall charge a fee **established under IC 25-1-8-7** for ~~restoring:~~ **reinstating:**

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

(c) The fee charged under subsection (b) shall be determined by the date that the applicant applies for the restoration of the license as follows:

~~Days Following~~

Expiration of License	Fee
0- 30	\$ 10
31- 180	50
181- 191	100

SECTION 40. IC 25-8-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The board shall charge a fee ~~of twenty-five dollars (\$25)~~ **established by the board under IC 25-1-8-2** for providing an examination to an applicant for a

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1 master cosmetologist license.

2 (b) The board shall charge a fee ~~of forty dollars (\$40)~~ **established**
3 **by the board under IC 25-1-8-2** for issuing or renewing a master
4 cosmetologist license.

5 (c) The board shall charge a fee **established under IC 25-1-8-7** for
6 ~~restoring~~ **reinstating** a master cosmetologist license. ~~The restoration~~
7 ~~fee shall be assessed in addition to the fee charged for renewing the~~
8 ~~license. The fee must be determined according to the date that the~~
9 ~~applicant applies for the restoration of the license as follows:~~

10 ~~Days Following~~

11 ~~Expiration of License~~

Fee

12 ~~1- 30~~

\$ 20

13 ~~31- 180~~

30

14 ~~More than 180~~

40

15 SECTION 41. IC 25-8-13-7 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The board shall
17 charge a fee ~~of twenty dollars (\$20)~~ **established by the board under**
18 **IC 25-1-8-2** for providing an examination to an applicant for a
19 cosmetologist license.

20 (b) The board shall charge a fee ~~of forty dollars (\$40)~~ **established**
21 **by the board under IC 25-1-8-2** for issuing or renewing a
22 cosmetologist license.

23 (c) The board shall charge a fee **established under IC 25-1-8-7** for
24 ~~restoring~~ **reinstating** a cosmetologist license. ~~The restoration fee shall~~
25 ~~be assessed in addition to the fee charged for renewing the license. The~~
26 ~~fee must be determined according to the date that the applicant applies~~
27 ~~for the restoration of the license as follows:~~

28 ~~Days Following~~

29 ~~Expiration of License~~

Fee

30 ~~1- 30~~

\$ 20

31 ~~31- 180~~

30

32 ~~More than 180~~

40

33 (d) The board shall charge a fee ~~of one hundred dollars (\$100)~~
34 **established by the board under IC 25-1-8-2** for issuing an Indiana
35 cosmetologist license to a person who holds a license from another
36 jurisdiction that meets the requirements set forth in IC 25-8-4-2.

37 SECTION 42. IC 25-8-13-8 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The board shall
39 charge a fee ~~of twenty-five dollars (\$25)~~ **established by the board**
40 **under IC 25-1-8-2** for providing an examination to an applicant for an
41 electrologist license.

42 (b) The board shall charge a fee ~~of forty dollars (\$40)~~ **established**

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by the board under IC 25-1-8-2 for issuing or renewing an electrologist license.

(c) The board shall charge a fee **established under IC 25-1-8-7** for restoring ~~reinstating~~ an electrologist license. The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:

Days Following	Fee
Expiration of License	
1- 30	\$ 20
31- 180	30
More than 180	40

(d) The board shall charge a fee ~~of one hundred dollars (\$100)~~ **established by the board under IC 25-1-8-2** for issuing a license to a person who holds an electrologist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 43. IC 25-8-13-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) The board shall charge a fee ~~of ten dollars (\$10)~~ **established by the board under IC 25-1-8-2** for providing an examination to an applicant for a manicurist license.

(b) The board shall charge a fee ~~of forty dollars (\$40)~~ **established by the board under IC 25-1-8-2** for issuing or renewing a manicurist license.

(c) The board shall charge a fee **required under IC 25-1-8-7** for restoring ~~reinstating~~ a manicurist license. The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:

Days Following	Fee
Expiration of License	
1- 30	\$ 20
31- 180	30
More than 180	40

(d) The board shall charge a fee ~~of one hundred dollars (\$100)~~ **established by the board under IC 25-1-8-2** for issuing a license to a person who holds a manicurist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 44. IC 25-8-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The board shall charge a fee ~~of twenty dollars (\$20)~~ **established by the board under IC 25-1-8-2** for providing an examination to an applicant for a

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shampoo operator license.

(b) The board shall charge a fee ~~of forty dollars (\$40)~~ **established by the board under IC 25-1-8-2** for issuing or renewing a shampoo operator license.

(c) The board shall charge a fee **established under IC 25-1-8-7** for ~~restoring~~ **reinstating** a shampoo operator license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

~~Days Following~~

~~Expiration of License~~

~~Fee~~

~~1- 30~~

~~\$ 20~~

~~31- 180~~

~~30~~

~~More than 180~~

~~40~~

SECTION 45. IC 25-8-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. (a) The board shall charge a fee ~~of twenty-five dollars (\$25)~~ **established by the board under IC 25-1-8-2** for providing an examination to an applicant for an esthetician license.

(b) The board shall charge a fee ~~of forty dollars (\$40)~~ **established by the board under IC 25-1-8-2** for issuing or renewing an esthetician license.

(c) The board shall charge a fee **established under IC 25-1-8-7** for ~~restoring~~ **reinstating** an esthetician license. ~~The restoration fee shall be assessed in addition to the fee charged for renewing the license. The fee must be determined according to the date that the applicant applies for the restoration of the license as follows:~~

~~Days Following~~

~~Expiration of License~~

~~Fee~~

~~1- 30~~

~~\$ 20~~

~~31- 180~~

~~30~~

~~More than 180~~

~~40~~

(d) The board shall charge a fee ~~of one hundred dollars (\$100)~~ **established by the board under IC 25-1-8-2** for issuing a license to a person who holds an esthetician license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 46. IC 25-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The board may under IC 4-21.5 refuse to issue, renew, or ~~restore~~ **reinstate** a license issued under this article if it determines that the applicant or license holder has not complied with IC 25-1-11.

SECTION 47. IC 25-8-15.4-6 IS AMENDED TO READ AS



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FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. To obtain a license to operate a tanning facility, a person must do the following:

(1) Submit an application to the board on a form prescribed by the board.

(2) Pay a fee of two hundred dollars (\$200): **established by the board under IC 25-1-8-2.**

SECTION 48. IC 25-8-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. If an inactive cosmetology professional intends to apply for ~~restoration~~ **reinstatement** of the professional's license, the cosmetology professional shall notify the board of that intent. The board may ~~restore~~ **reinstate** the cosmetology professional's license upon notification and receipt of:

(1) an application; and

(2) evidence of completion during the preceding four (4) years of at least sixteen (16) hours of continuing education in a continuing education course approved by the board under IC 25-8-15.

SECTION 49. IC 25-9-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) The commission shall, upon application to the Indiana professional licensing agency, grant licenses to competent referees and judges whose qualifications may be tested by the commission, and the commission may revoke any such license granted to any referee or judge upon such cause as the commission may deem sufficient. Such license must be renewed biennially. No person shall be permitted to act as referee or judge in Indiana unless holding such license.

(b) The application for license as referee, or renewal thereof, shall be accompanied by a fee ~~which shall not be less than twenty-five dollars (\$25):~~ **established by the commission under IC 25-1-8-2.**

(c) The commission shall appoint from among such licensed officials, all officials for all contests held under this chapter.

SECTION 50. IC 25-15-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. The board shall ~~restore~~ **reinstate** the expired license of an individual who:

(1) was licensed as a funeral director or embalmer;

(2) applies for ~~restoration~~ **reinstatement** of the funeral director license or embalmer license within two (2) years or four (4) years of the date that the license expired as set by the board;

(3) pays a fee ~~that is equal to:~~

(A) the fee set by the board for renewal of a funeral director license or embalmer license; or

(B) the fee set by the board for renewal of a funeral director

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license or embalmer license multiplied by the product of two
 (2) times the number of six (6) month periods that have
 elapsed from the date that the license expired;
 whichever is greater; **established under IC 25-1-8-7**; and

(4) meets the continuing education requirements set by the board.

SECTION 51. IC 25-15-6-5 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The board shall
 require a funeral director to obtain ten (10) hours of continuing
 education credit in any two (2) year period in order to renew or ~~restore~~
reinstate a license under this chapter. The board shall require that
 continuing education credit be earned in board approved courses or
 programs on one (1) or more of the following subjects:

- (1) Embalming and restorative arts.
- (2) Prevention of the spread of infectious disease and compliance
 with mandatory public health requirements.
- (3) Federal and state laws and rules regulating the embalming and
 funeral professions.
- (4) Funeral home management.
- (5) Religion.
- (6) Natural science.
- (7) Grief counseling and the psychological effect of death on
 survivors.

(b) Continuing education hours earned as a prerequisite to the
 issuance or maintenance of a professional license other than a funeral
 director license may not be counted in determining compliance with
 this section.

SECTION 52. IC 25-15-6-6 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The board may
~~restore~~ **reinstate** the license of:

- (1) a person that has allowed a funeral home license to expire
 only if the person reapplies for a funeral home license, pays ~~an~~
~~additional a fee set by the board,~~ **established under IC 25-1-8-7**,
 and otherwise meets the requirements in IC 25-15-4-1;
- (2) an individual whose funeral director intern license has expired
 only if the individual reapplies for a funeral director intern
 license, takes another examination, if required by the board, pays
~~an additional a fee set by the board,~~ **established under**
IC 25-1-8-7, and otherwise meets the requirements in
 IC 25-15-4-2; or
- (3) an individual whose funeral director license has expired after
 the time set in section 4 of this chapter has run only if the
 individual reapplies for a funeral director license, takes another

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1 examination, pays ~~an additional~~ a fee set by the board;
 2 **established under IC 25-1-8-7**, and otherwise meets the
 3 requirements in IC 25-15-4-3(b).

4 The board may not ~~restore~~ **reinstate** an embalmer license or a funeral
 5 director license for a person qualified only under IC 25-15-4-3(d) after
 6 the time set under section 4 of this chapter has expired.

7 SECTION 53. IC 25-15-6-7 IS AMENDED TO READ AS
 8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) A funeral director
 9 who holds an inactive funeral director license under IC 25-15-4-6 is
 10 exempt from continuing education requirements of section 5 of this
 11 chapter.

12 (b) An individual may reactivate an inactive funeral director's
 13 license by completing all hours of continuing education required of
 14 licensed funeral directors for each year that the license has been
 15 classified as inactive. If an individual's license has been inactive for
 16 four (4) or more years, the board shall require the individual to pass an
 17 examination under IC 25-15-4 before ~~restoring~~ **reinstating** the
 18 individual's license to active status.

19 (c) An individual who resumes the practice of funeral service or the
 20 provision of funeral services to the public under an inactive funeral
 21 director license (as described in IC 25-15-4-6) violates this article and
 22 the board shall revoke the individual's inactive license.

23 SECTION 54. IC 25-15-9-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The board's
 25 appointed members may serve only two (2) terms on the board,
 26 including prior service either as a member of the state board of funeral
 27 service or the state board of embalmers and funeral directors. **A**
 28 **member of the board may serve until the member's successor is**
 29 **appointed and qualified under this chapter.**

30 SECTION 55. IC 25-20.2-6-1 IS AMENDED TO READ AS
 31 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A license for a home
 32 inspector issued under this article expires ~~two (2) years after the date~~
 33 ~~of issuance:~~ **on a date established by the licensing agency under**
 34 **IC 25-1-6-4 and shall be renewed biennially upon payment of the**
 35 **required renewal fees.**

36 SECTION 56. IC 25-20.2-6-5 IS AMENDED TO READ AS
 37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The board shall
 38 adopt rules concerning the continuing education required for the
 39 renewal of a license under this chapter.

40 (b) The rules must do the following:

41 (1) Establish procedures for approving organizations that provide
 42 continuing education.

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(2) Establish a fee for each hour of continuing education that is required after a license is issued or renewed.

(3) (2) Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of home inspectors.

SECTION 57. IC 25-21.5-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The board shall determine the amount of registration fees for a land surveyor and certification fees for a land-surveyor-in-training. Except as provided under IC 25-21.5-8-7, the registration and renewal fee for a land surveyor may be not more than fifty dollars (\$50) per year.

SECTION 58. IC 25-21.5-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The board shall determine the renewal fee and delinquent fee **establish fees under IC 25-1-8.**

SECTION 59. IC 25-21.5-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) The board may adopt rules requiring a land surveyor to obtain continuing education for renewal of a certificate under this chapter.

(b) If the board adopts rules under this section, the rules must do the following:

(1) Establish a fee of two dollars (\$2) for each hour of continuing education required after the certificate of registration was issued or renewed.

(2) Require that continuing education fees be paid when the land surveyor's certificate of registration is renewed.

(3) (1) Establish procedures for approving an organization that provides continuing education.

(4) (2) Require an organization that provides an approved continuing education program to supply the following information to the board not more than thirty (30) days after the course is presented:

(A) An alphabetical list of all land surveyors who attended the course.

(B) A certified statement of the hours to be credited to each land surveyor.

(c) If the board adopts rules under this section, the board may adopt rules to do the following:

(1) Allow private organizations to implement the continuing education requirement.

(2) Establish an inactive certificate of registration. If the board adopts rules establishing an inactive certificate, the board must

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adopt rules that:

- (A) do not require the holder of an inactive certificate to obtain continuing education;
- (B) prohibit the holder of an inactive certificate from practicing land surveying;
- (C) establish requirements for reactivation of an inactive certificate; and
- (D) do not require the holder of an inactive certificate to pay the registration and renewal fees required under IC 25-21.5-7-5.

SECTION 60. IC 25-23.7-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The board shall adopt rules concerning the continuing education required for the renewal of a license under this chapter.

(b) The rules must do the following:

- (1) Establish procedures for approving organizations that provide continuing education.
- (2) Establish a fee for each hour of continuing education required after a license is issued or renewed.
- (3) (2) Prescribe the content, duration, and organization of continuing education courses that contribute to the general competence of installers.

SECTION 61. IC 25-28.5-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) Every license or certificate of registration issued under ~~the provisions of~~ this chapter shall expire two (2) years subsequent to the date of its issuance **expires on a date established by the licensing agency under IC 25-1-6-4** and shall be renewed biennially thereafter upon payment of the required renewal fees.

(b) Applications for renewal shall be filed with the commission ~~on a in the form and manner provided therefore, no later than thirty (30) days prior to the expiration date of the licensee's or registrant's current license or certificate of registration by the commission.~~ The application shall be accompanied by the required renewal fee. The commission, upon the receipt of the application for renewal and the required renewal fee, shall issue to the renewal applicant a license or certificate of registration in the category said applicant has previously held. **Unless a license is renewed, a license issued by the commission expires on the date specified by the licensing agency under IC 25-1-6-4.**

SECTION 62. IC 25-28.5-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. The fees to be

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1 charged by and paid to the commission by licensees for all licenses and
 2 license renewals ~~thereof~~ shall be established by the commission under
 3 ~~IC 25-1-8-2~~. **IC 25-1-8.**

4 SECTION 63. IC 25-28.5-1-24 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 24. (a) All fees
 6 collected by the commission shall be deposited with the treasurer of
 7 state to be deposited by ~~him~~ **the treasurer** in the ~~state~~ general fund. ~~of~~
 8 ~~the state.~~

9 (b) All expenses of the commission shall be paid from the general
 10 fund upon appropriation being made therefor in the manner provided
 11 by law for the making of such appropriations.

12 SECTION 64. IC 25-28.5-2-2.1 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. (a) At the time of
 14 initial licensure under this article, each licensee shall pay the ~~following~~
 15 **fee fees established by the commission under IC 25-1-8-2 for the**
 16 **following:**

- 17 (1) ~~Seventy-five dollars (\$75)~~ for A plumbing contractor.
- 18 (2) ~~Thirty dollars (\$30)~~ for A journeyman plumber.

19 (b) Fees collected under subsection (a) shall be placed in the
 20 plumbers recovery fund.

21 (c) The fee assessed under this section is in addition to any other fee
 22 under this article.

23 SECTION 65. IC 25-30-1-7 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. (a) An application
 25 for license as a private detective must be on a form prescribed by the
 26 board accompanied by the license fee ~~as provided by this chapter~~.
 27 **established by the board under IC 25-1-8.**

28 (b) The application shall be verified and shall include the following:

- 29 (1) The full name and business address of the applicant.
- 30 (2) The name under which the applicant intends to do business as
- 31 a private detective.
- 32 (3) If the applicant is a person other than an individual, the full
- 33 name and residence address of each of its members, partners,
- 34 officers, and directors, and its managers.
- 35 (4) Other information, evidence, statements, or documents
- 36 required by the board.

37 SECTION 66. IC 25-30-1-16 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) **Unless a license**
 39 **is renewed**, a license and the identification cards of the licensee's
 40 employees issued under this chapter expire ~~two (2) years from the date~~
 41 ~~of issuance of the license~~. **on a date specified by the licensing agency**
 42 **under IC 25-1-6-4 and expire biennially after the initial expiration**

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1 date. An applicant for renewal shall pay the renewal fee established
 2 by the board under IC 25-1-8-2 on or before the renewal date
 3 specified by the licensing agency.

4 (b) If the holder of a license does not renew the license by the
 5 date specified by the licensing agency, the license expires and
 6 becomes invalid without any action taken by the board.

7 ~~(b)~~ (c) A licensee desiring a renewal license must:

8 (1) file an application for renewal at least thirty (30) days before
 9 the expiration of the licensee's license on a form as prescribed by
 10 the board; and

11 (2) meet the license renewal requirements determined by the
 12 board.

13 ~~(c)~~ (d) A license may be reinstated within thirty (30) days after the
 14 expiration of the license if the applicant does the following:

15 (1) Files an application for renewal with the board.

16 (2) Meets the license requirements determined by the board.

17 (3) Pays the license and delinquent fees: a fee established under
 18 IC 25-1-8-7.

19 ~~(d)~~ (e) Employee identification cards issued under this chapter
 20 expire at the same time as the license referred to in subsection (a).

21 SECTION 67. IC 25-30-1-17 IS AMENDED TO READ AS
 22 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) The board shall
 23 charge and the licensing agency shall collect the following private
 24 detective license fees established by the board under IC 25-1-8.

25 ~~(1)~~ For issuance or renewal of a private detective license, a fee of
 26 one hundred fifty dollars (\$150);

27 ~~(2)~~ For identification cards for unlicensed employees issued under
 28 section ~~10(d)~~ of this chapter, a fee of:

29 ~~(A)~~ ten dollars (\$10); or

30 ~~(B)~~ five dollars (\$5) if application for the identification card is
 31 made in the second year of the licensee's license.

32 ~~(3)~~ For reinstatement of a license referred to in section ~~16(c)~~ of
 33 this chapter, a delinquent fee of seventy-five dollars (\$75).

34 (b) All fees collected under this chapter shall go into the general
 35 fund and shall be accounted for by the licensing agency.

36 (c) A license fee shall not be refunded unless a showing is made of
 37 ineligibility to receive the license by failure to meet the requirements
 38 of this chapter, or by a showing of mistake, inadvertence, or error in the
 39 collection of the fee.

40 SECTION 68. IC 25-31-1-14 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The
 42 examination required of all applicants for registration as a professional

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1 engineer shall be a written examination which shall be divided into the
2 following two (2) parts, each of eight (8) hours duration:

3 (1) Engineering fundamentals.

4 (2) Principles and practice of engineering.

5 The board may adopt rules under IC 4-22-2 establishing additional
6 examination requirements.

7 (b) The engineering fundamentals portion of the examination shall
8 be designed to test the applicant's knowledge of mathematics and the
9 physical and engineering sciences. The standards of proficiency
10 required shall approximate that attained by graduation in an approved
11 four (4) year engineering curriculum.

12 (c) The principles and practice of the engineering portion of the
13 examination shall be designed primarily to test the applicant's
14 understanding of, and judgment and ability to apply correctly, the
15 principles of:

16 (1) mathematics;

17 (2) the physical sciences;

18 (3) the engineering sciences; and

19 (4) engineering design analysis and synthesis;

20 to the practice of professional engineering. A part of the examination
21 may be designed to test the applicant's knowledge and understanding
22 of the ethical, economic, and legal principles relating to the practices
23 of professional engineering.

24 (d) An applicant for registration as a professional engineer who
25 holds an engineering intern certificate issued in Indiana or in any other
26 state or territory having equivalent standards may be exempted from
27 the engineering fundamentals portion of the examination.

28 (e) An applicant must successfully pass the engineering
29 fundamentals portion of the examination before taking the principles
30 and practice portion of the examination.

31 (f) Examinations shall be held at times and places as determined by
32 the board at least two (2) times each year. Examinations for
33 certification as an engineering intern may be held separately from the
34 examinations for registration as a professional engineer.

35 (g) An applicant for registration as a professional engineer who is
36 presently registered in another state or territory may be assigned a
37 written examination as the board deems necessary to meet the
38 requirements of this chapter.

39 (h) An applicant for registration as a professional engineer who fails
40 in the first examination may request to be readmitted for a second
41 examination at either of the next two (2) regularly scheduled
42 examinations. Upon application and at the discretion of the board, an

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applicant who misses:

(1) the originally scheduled examination; or

(2) the next two (2) regularly scheduled examinations;

may be given permission to appear for another regularly scheduled examination. The amount of fee to be paid for each examination shall be determined by the board under IC 25-1-8-2.

(i) If an applicant who has failed ~~two (2)~~ **three (3)** or more examinations reapplies and submits evidence of acquiring additional knowledge for the examination, the board may give the applicant approval to take subsequent examinations.

SECTION 69. IC 25-31-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) The board shall issue a certificate of registration, upon the payment of the fee prescribed ~~in this chapter,~~ **by the board under IC 25-1-8-2**, to any applicant who, in the opinion of the board, has satisfactorily met all requirements of this chapter. In the case of a professional engineer, the certificate shall authorize the practice of "professional engineering". The certificate of registration shall:

(1) show the full name of the registrant;

(2) bear a serial number and date; and

(3) be signed by ~~each member under the seal~~ **a designee** of the board.

The issuance of any certificate of registration by the board under this chapter is evidence that the individual named on the certificate is entitled to all the rights and privileges of a registered professional engineer from the date on the certificate until it expires or is revoked.

(b) The board shall issue a certificate of enrollment upon the payment of the certificate fee prescribed ~~in this chapter~~ **by the board under IC 25-1-8-2** to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter. In the case of an engineering intern, the certificate shall state that the applicant has successfully passed the examination in engineering fundamentals and has been enrolled as an engineering intern. The certificate of enrollment shall:

(1) show the full name of the enrollee;

(2) bear a serial number and date; and

(3) be signed by the director of the licensing agency.

The issuance of a certificate of enrollment by the board is evidence that the individual named on the certificate is entitled to all the rights and privileges of an engineering intern while the certificate remains unrevoked or until it expires.

SECTION 70. IC 25-31-1-17 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) The biennial
2 period for which renewals are to be made shall extend from the first
3 day of August of an even-numbered year to the last day of July of the
4 next even-numbered year.

5 (b) A new registrant whose certificate bears a date during the first
6 twelve (12) months of a biennial renewal period is required to pay
7 one-half (1/2) of the biennial renewal fee in addition to and at the time
8 of the payment of the certificate fee to validate the certificate for the
9 last twelve (12) months of the biennial renewal period.

10 (c) All certificates of registration expire on the last day of July in
11 each even-numbered year and are invalid from that date, unless
12 renewed. The secretary of the board shall send a renewal bill notice by
13 mail to every person registered and in good standing and to those
14 holding invalid certificates who are delinquent not more than two (2)
15 years. The notice must comply with the provisions of IC 25-1-2-6(c)
16 and include the amount of the renewal fee and delinquent fee, if any,
17 to validate the certificate for the succeeding biennial period. The
18 renewal fee and delinquent fee shall be determined by the board under
19 IC 25-1-8-2.

20 (a) Unless a certificate is renewed, a certificate issued under this
21 chapter expires on a date specified by the licensing agency under
22 IC 25-1-6-4 and expires biennially after the initial expiration date.
23 An applicant for renewal shall submit an application in the manner
24 prescribed by the board and pay the renewal fee established by the
25 board under IC 25-1-8-2 on or before the renewal date specified by
26 the licensing agency.

27 (b) If the holder of a certificate does not renew the license by the
28 date specified by the licensing agency, the certificate expires and
29 becomes invalid without the board taking any action.

30 (d) (c) The failure on the part of a registrant to renew a certificate
31 does not deprive the registrant of the right of renewal until the
32 registrant's certificate has remained invalid during two (2) biennial
33 renewal periods if the registrant pays the appropriate delinquent and
34 renewal fees. After two (2) successive biennial renewal periods have
35 elapsed renewal shall be denied.

36 SECTION 71. IC 25-31-1-21 IS AMENDED TO READ AS
37 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. The board may,
38 upon application and payment of a fee established by the board in the
39 board's rules, issue a certificate of registration as a professional
40 engineer to an individual who holds a valid certificate of registration
41 as a professional engineer, issued to the applicant by the proper
42 authority of any state or territory or possession of the United States if

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the requirements for registration of professional engineers that the certificate of registration was issued under do not conflict with the provisions of this chapter. In determining the qualifications of an applicant, the board may accept the verified professional record of the applicant that is certified by the National Council of Examiners for Engineers and Surveyors. **However, an applicant meets the experience requirement under section 12 of this chapter if the applicant:**

- (1) has at least three (3) years of engineering work experience after the applicant graduates from an approved engineering curriculum but before the applicant successfully passes an examination required under section 14 of this chapter; and**
- (2) has been registered or licensed as a professional engineer in another state for at least ten (10) years.**

SECTION 72. IC 25-34.1-3-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.1. (a) To obtain a salesperson license, an individual must:

- (1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:
 - (A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
 - (B) a crime that has a direct bearing on the individual's ability to practice competently; or
 - (C) a crime that indicates the individual has the propensity to endanger the public.
- (2) have successfully completed courses in the principles, practices, and law of real estate, totaling eight (8) semester credit hours, or their equivalent, as a student at an accredited college or university or have successfully completed an approved salesperson course as provided in IC 25-34.1-5-5(a);
- (3) apply for a license by submitting the application fee prescribed by the commission and an application containing the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the principal broker's address where the business is to be conducted, proof of compliance with subdivision (2), and any other information the commission requires;
- (4) pass a written examination prepared and administered by the commission or its duly appointed agent; and
- (5) submit not more than one hundred twenty (120) days after passing the written examination under subdivision (4):
 - (A) the license fee of ~~twenty-five dollars (\$25)~~; **established by**

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- 1 **the commission under IC 25-1-8-2; and**
- 2 (B) a sworn certification of a principal broker that the
- 3 principal broker intends to associate with the applicant and
- 4 maintain that association until notice of termination of the
- 5 association is given to the commission.
- 6 (b) Upon the applicant's compliance with the requirements of
- 7 subsection (a), the commission shall:
- 8 (1) issue a wall certificate in the name of the salesperson to the
- 9 principal broker who certified the applicant's association with the
- 10 principal broker; and
- 11 (2) issue to the salesperson a pocket identification card which
- 12 certifies that the salesperson is licensed and indicates the
- 13 expiration date of the license and the name of the principal
- 14 broker.
- 15 (c) Notice of passing the commission examination serves as a
- 16 temporary permit to act as a salesperson as soon as the applicant sends,
- 17 by registered or certified mail with return receipt requested, the license
- 18 fee and certification as prescribed in subsection (a)(5)(A) and
- 19 (a)(5)(B). The temporary permit expires the earliest of the following:
- 20 (1) The date the license is issued.
- 21 (2) The date the applicant's association with the certifying
- 22 principal broker is terminated.
- 23 The temporary permit may not be renewed, extended, reissued, or
- 24 otherwise effective for any association other than with the initial
- 25 certifying principal broker.
- 26 (d) A salesperson shall:
- 27 (1) act under the auspices of the principal broker responsible for
- 28 that salesperson's conduct under this article;
- 29 (2) be associated with only one (1) principal broker;
- 30 (3) maintain evidence of licensure in the office, branch office, or
- 31 sales outlet of the principal broker;
- 32 (4) advertise only in the name of the principal broker, with the
- 33 principal broker's name in letters of advertising larger than that of
- 34 the salesperson's name; and
- 35 (5) not maintain any real estate office apart from that office
- 36 provided by the principal broker.
- 37 (e) Upon termination of a salesperson's association with a principal
- 38 broker, the salesperson's license shall be returned to the commission
- 39 within five (5) business days. The commission shall reissue the license
- 40 to any principal broker whose certification, as prescribed in subsection
- 41 (a)(5)(B), is filed with the commission, and the commission shall issue
- 42 a new identification card to the salesperson reflecting that change.

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(f) **Unless a license is renewed**, a salesperson license expires at midnight, December 31, of the next odd-numbered year following the year in which the license is issued or last renewed; unless the licensee renews the license prior to expiration by payment of a biennial license fee of twenty-five dollars (\$25). An expired license may be reinstated within one hundred twenty (120) days after expiration; by payment of all unpaid license fees together with twenty dollars (\$20). If the license is renewed within eighteen (18) months; but more than one hundred twenty (120) days; after expiration; the licensee must pay a late fee of one hundred dollars (\$100) plus any unpaid license fees. **on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action.** If a salesperson fails to reinstate a license within eighteen (18) months after expiration, a license may not be issued unless that salesperson again complies with the requirements of subsection (a)(3), (a)(4), and (a)(5).

(g) A salesperson license may be issued to an individual who is not yet associated with a principal broker but who otherwise meets the requirements of subsection (a). A license issued under this subsection shall be held by the commission in an unassigned status until the date the individual submits the certification of a principal broker required by subsection (a)(5). If the individual does not submit the application for licensure within one hundred twenty (120) days after passing the commission examination, the commission shall void the application and may not issue a license to that applicant unless the applicant again complies with the requirements of subsection (a)(4) through (a)(5).

(h) If an individual holding a salesperson license is not associated with a principal broker for two (2) successive renewal periods, the commission shall notify the individual in writing that the individual's license will become void if the individual does not associate with a principal broker within thirty (30) days from the date the notification is mailed. A void license may not be renewed.

SECTION 73. IC 25-34.1-3-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.1. (a) To obtain a broker license, an individual must:

- (1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

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- 1 (A) an act that would constitute a ground for disciplinary
- 2 sanction under IC 25-1-11;
- 3 (B) a crime that has a direct bearing on the individual's ability
- 4 to practice competently; or
- 5 (C) a crime that indicates the individual has the propensity to
- 6 endanger the public.
- 7 (2) have satisfied section 3.1(a)(2) of this chapter and have had
- 8 continuous active experience for one (1) year immediately
- 9 preceding the application as a licensed salesperson in Indiana.
- 10 However, this one (1) year experience requirement may be
- 11 waived by the commission upon a finding of equivalent
- 12 experience;
- 13 (3) have successfully completed an approved broker course of
- 14 study as prescribed in IC 25-34.1-5-5(b);
- 15 (4) apply for a license by submitting the application fee
- 16 prescribed by the commission and an application specifying the
- 17 name, address, and age of the applicant, the name under which
- 18 the applicant intends to conduct business, the address where the
- 19 business is to be conducted, proof of compliance with
- 20 subdivisions (2) and (3), and any other information the
- 21 commission requires;
- 22 (5) pass a written examination prepared and administered by the
- 23 commission or its duly appointed agent; and
- 24 (6) within one hundred twenty (120) days after passing the
- 25 commission examination, submit the license fee ~~of fifty dollars~~
- 26 **(\$50); established by the commission under IC 25-1-8-2.** If an
- 27 individual applicant fails to file a timely license fee, the
- 28 commission shall void the application and may not issue a license
- 29 to that applicant unless that applicant again complies with the
- 30 requirements of subdivisions (4) and (5) and this subdivision.
- 31 (b) To obtain a broker license, a partnership must:
- 32 (1) have as partners only individuals who are licensed brokers;
- 33 (2) have at least one (1) partner who:
- 34 (A) is a resident of Indiana; or
- 35 (B) is a principal broker under IC 25-34.1-4-3(b);
- 36 (3) cause each employee of the partnership who acts as a broker
- 37 or salesperson to be licensed; and
- 38 (4) submit the license fee ~~of fifty dollars (\$50)~~ **established by the**
- 39 **commission under IC 25-1-8-2** and an application setting forth
- 40 the name and residence address of each partner and the
- 41 information prescribed in subsection (a)(4).
- 42 (c) To obtain a broker license, a corporation must:

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(1) have a licensed broker:

(A) residing in Indiana who is either an officer of the corporation or, if no officer resides in Indiana, the highest ranking corporate employee in Indiana with authority to bind the corporation in real estate transactions; or

(B) who is a principal broker under IC 25-34.1-4-3(b);

(2) cause each employee of the corporation who acts as a broker or salesperson to be licensed; and

(3) submit the license fee ~~of fifty dollars (\$50)~~, **established by the commission under IC 25-1-8-2**, an application setting forth the name and residence address of each officer and the information prescribed in subsection (a)(4), a copy of the certificate of incorporation, and a certificate of good standing of the corporation issued by the secretary of state. ~~of Indiana~~.

(d) To obtain a broker license, a limited liability company must:

(1) if a member-managed limited liability company:

(A) have as members only individuals who are licensed brokers; and

(B) have at least one (1) member who is:

(i) a resident of Indiana; or

(ii) a principal broker under IC 25-34.1-4-3(b);

(2) if a manager-managed limited liability company, have a licensed broker:

(A) residing in Indiana who is either a manager of the company or, if no manager resides in Indiana, the highest ranking company officer or employee in Indiana with authority to bind the company in real estate transactions; or

(B) who is a principal broker under IC 25-34.1-4-3(b);

(3) cause each employee of the limited liability company who acts as a broker or salesperson to be licensed; and

(4) submit the license fee ~~of fifty dollars (\$50)~~ **established by the commission under IC 25-1-8-2** and an application setting forth the information prescribed in subsection (a)(4), together with:

(A) if a member-managed company, the name and residence address of each member; or

(B) if a manager-managed company, the name and residence address of each manager, or of each officer if the company has officers.

(e) Licenses granted to partnerships, corporations, and limited liability companies are issued, expire, are renewed, and are effective on the same terms as licenses granted to individual brokers, except as provided in subsection (h), and except that expiration or revocation of

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1 the license of:
 2 (1) any partner in a partnership or all individuals in a corporation
 3 satisfying subsection (c)(1); or
 4 (2) a member in a member-managed limited liability company or
 5 all individuals in a manager-managed limited liability company
 6 satisfying subsection (d)(2);
 7 terminates the license of that partnership, corporation, or limited
 8 liability company.
 9 (f) Upon the applicant's compliance with the requirements of
 10 subsection (a), (b), or (c), the commission shall issue the applicant a
 11 broker license and an identification card which certifies the issuance
 12 of the license and indicates the expiration date of the license. The
 13 license shall be displayed at the broker's place of business.
 14 (g) Notice of passing the commission examination serves as a
 15 temporary permit for an individual applicant to act as a broker as soon
 16 as the applicant sends, by registered or certified mail with return
 17 receipt requested, a timely license fee as prescribed in subsection
 18 (a)(6). The temporary permit expires the earlier of one hundred twenty
 19 (120) days after the date of the notice of passing the examination or the
 20 date a license is issued.
 21 (h) **Unless the license is renewed, a broker license expires, for**
 22 **individuals, at midnight, December 31 and, for corporations,**
 23 **partnerships, and limited liability companies at midnight, June 30 of**
 24 **the next even-numbered year following the year in which the license is**
 25 **issued or last renewed, unless the licensee renews the license prior to**
 26 **expiration by payment of a biennial license fee of fifty dollars (\$50).**
 27 **An expired license may be reinstated within one hundred twenty (120)**
 28 **days after expiration by payment of all unpaid license fees together**
 29 **with twenty dollars (\$20). If the license is renewed within eighteen (18)**
 30 **months, but more than one hundred twenty (120) days, after expiration,**
 31 **the licensee must pay a late fee of one hundred dollars (\$100) plus any**
 32 **unpaid license fees on a date specified by the licensing agency**
 33 **under IC 25-1-6-4 and expires biennially after the initial expiration**
 34 **date. An applicant for renewal shall submit an application in the**
 35 **manner prescribed by the board and pay the renewal fee**
 36 **established by the commission under IC 25-1-8-2 on or before the**
 37 **renewal date specified by the licensing agency. If the holder of a**
 38 **license does not renew the license by the date specified by the**
 39 **licensing agency, the license expires and becomes invalid without**
 40 **the board taking any action. If a broker fails to reinstate a license**
 41 **within eighteen (18) months after expiration, a license may not be**
 42 **issued unless the broker again complies with the requirements of**

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1 subsection (a)(4), (a)(5), and (a)(6).

2 (i) A partnership, corporation, or limited liability company may not
3 be a broker-salesperson except as authorized in IC 23-1.5. An
4 individual broker who associates as a broker-salesperson with a
5 principal broker shall immediately notify the commission of the name
6 and business address of the principal broker and of any changes of
7 principal broker that may occur. The commission shall then change the
8 address of the broker-salesperson on its records to that of the principal
9 broker.

10 SECTION 74. THE FOLLOWING ARE REPEALED [EFFECTIVE
11 JULY 1, 2005]: IC 25-1-2-9; IC 25-1-11-9.5; IC 25-21.5-8-3.

12 SECTION 75. [EFFECTIVE JULY 1, 2005] **(a) This SECTION**
13 **applies to the entities listed in IC 25-1-6-3, as amended by this act.**

14 **(b) Notwithstanding the requirement under this act that an**
15 **entity described in subsection (a) must adopt fees, a fee charged by**
16 **an entity on June 30, 2005, continues in effect until the fee is**
17 **changed by a rule adopted by the entity. An entity described in**
18 **subsection (a) must adopt a rule described in this SECTION before**
19 **January 1, 2006.**

20 **(c) This SECTION expires July 1, 2006.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill No. 139, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 25, after "for a" insert "**public**".

Page 4, line 26, after "a" insert "**public**".

Page 8, line 3, after "a" insert "**public**".

and when so amended that said bill do pass.

(Reference is to SB 139 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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